

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI, ex rel. CHRIS KOSTER,)
Attorney General,)
)
)
Plaintiff,)
)
) Case No. 09-cv-1641
v.)
)
PORTFOLIO RECOVERY ASSOCIATES, INC.,)
and)
PORTFOLIO RECOVERY ASSOCIATES, LLC,)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

COME NOW Defendants Portfolio Recovery Associates, Inc. and Portfolio Recovery Associates, LLC, (collectively, “Portfolio”), and pursuant to Fed. R. Civ. P. 12(b)(1) and (6), hereby move to dismiss the Complaint in its entirety. As set forth more fully in the accompanying Memorandum in Support, the Complaint is fails to state a claim and fails to establish personal jurisdiction in the following respects:

1. The Complaint fails to state a claim upon which relief can be granted because it fails to meet the pleading requirements of Rules 8 and 9 of the Federal Rules of Civil Procedure. The Complaint makes sweeping allegations that Portfolio engaged in unfair debt collection activities but fails to identify even a single instance of wrongdoing. It fails to identify or describe any specific debtor, debt, telephone call or letter, or even the time period in which the supposed collection activities took place.

2. The Complaint also fails to state a claim upon which relief can be granted because it purports to assert a claim under the Missouri Merchandising Practices Act, § 407.010,

RSMo *et seq.*, a statute that does not apply to debt collection activities. Moreover, the Complaint alleges certain types of conduct that are not illegal under any debt collection law.

3. Finally, this Court lacks personal jurisdiction over Defendant Portfolio Recovery Associates, Inc., as it is a parent company that does not perform debt collection services or transact any other business within Missouri.

WHEREFORE, for the reasons stated herein and in the accompanying Memorandum in Support, Defendants Portfolio Recovery Associates, Inc. and Portfolio Recovery Associates, LLC respectfully request that this Court dismiss the Complaint in its entirety and grant any other relief it deems proper.

Dated: November 9, 2009

Respectfully submitted,

BRYAN CAVE LLP

By:/s/ Jeffrey S. Russell

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2009, the foregoing was served electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Jeffrey S. Russell